

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES COMMODITY FUTURES
TRADING COMMISSION,**

Plaintiff,

v.

**ERIC MONCADA; BES CAPITAL LLC; and
SERDIKA LLC.**

Defendant(s).

)

)

)

) Civil Action No. 12-cv-8791 (CM)

) (GWG)

)

) **APPLICATION FOR**

) **CERTIFICATE OF DEFAULT**

) **UNDER F.R.C.P. 55(a) AND**

) **S.D.N.Y. LOCAL RULE 55.1**

) **AGAINST DEFENDANTS**

) **SERDIKA LLC AND BES**

) **CAPITAL LLC**

TO: RUBY J. KRAJICK, CLERK OF COURT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PURSUANT TO Rule 55(a) of the Federal Rules of Civil Procedure and Local Rule 55.1, for failure to plead or otherwise defend the above-captioned action, as fully appears from the court file herein and from the attached declaration in support of this request, plaintiff U.S. Commodity Futures Trading Commission respectfully submits this application to the Clerk of Court for a certificate of default against defendants Serdika LLC and BES Capital LLC (“defaulting defendants”). This application is supported by, pursuant to Local Rule 55.1, an affidavit of counsel stating that defaulting defendants are not minors, incompetents, or in military service; were properly served with process; and have not filed any responsive pleadings.

Dated: May 30, 2013

Respectfully submitted,

/s/ Andrew Ridenour

Richard Glaser (Member, New York State Bar
and U.S. District Court for the Southern District
of New York Bar No. RG8652)

Andrew Ridenour (D.C. Bar No. 501628)

Brian M. Walsh (Member, Maryland Bar)

Kenneth McCracken (Missouri Bar No. 44049)

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2013, I served the foregoing on all parties of record via UPS. Those parties are identified below:

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/s/ Andrew Ridenour
Andrew L. Ridenour